

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ACCENT DELIGHT INTERNATIONAL LTD., et al.,	:	
	:	
Plaintiffs,	:	
	:	18-CV-9011 (JMF)
-v-	:	
	:	<u>ORDER</u>
SOTHEBY'S, et al.,	:	
	:	
Defendants.	:	
	:	
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JESSE M. FURMAN, United States District Judge:

Upon review of the parties' letters regarding the latest discovery disputes in this case, *see* ECF Nos. 341, 347, the Court concludes that there is no need for a conference. Instead, the Court resolves the disputes as follows:

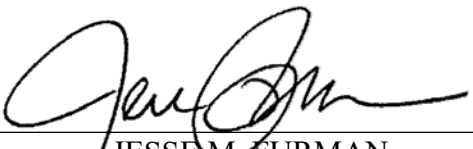
1. **Testimony Given to Monaco Police in the Monaco Bouvier Investigation.** Plaintiffs shall promptly produce the written minutes of the interview with Mikhail Sazonov. The Court's August 13, 2021 ruling concerning "testimony" does not apply to the written minutes as the Court's reference to "testimony" was to testimony given now, not as part of the Monaco investigation. *See* ECF No. 338. Nevertheless, it is not clear that the language in the Monaco Court of Appeals ruling applies to the written minutes at issue. Given that it is Plaintiffs' burden to demonstrate that the ruling "actually bars the production or testimony at issue," and that they must do so with "sufficient particularity and specificity," no less, that lack of clarity is dispositive here. *Alfadda v. Fenn*, 149 F.R.D. 28, 34 (S.D.N.Y. 1993) (citations omitted).
2. **Testimony in the Monaco Rybolovlev Investigation.** The Court agrees with Plaintiffs that Sotheby's discovery requests with respect to the "criminal proceedings" Plaintiffs "initiated in Monaco against Bouvier" cannot reasonably be construed to encompass the testimony now requested. In light of that, and the August 31, 2021 deadline for fact discovery (after more than two years of such discovery, no less), Sotheby's request is denied as egregiously untimely. *See* Fed. R. Civ. P. 16(b)(4) ("A schedule may be modified only for good cause and with the judge's consent."); *Grochowski v. Phoenix Const.*, 318 F.3d 80, 86 (2d Cir. 2003) ("A finding of good cause depends on the diligence of the moving party.").

3. **Rybolovlev's Text Messages.** The issue is moot in light of Plaintiffs' unambiguous representation that "[n]o such texts exist." ECF No. 347, at 3.

The Clerk of Court is directed to terminate ECF No. 341.

SO ORDERED.

Dated: September 2, 2021
New York, New York



JESSE M. FURMAN
United States District Judge